

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**THE LUTHERAN CHURCH – MISSOURI
SYNOD, a Missouri nonprofit corporation
Plaintiff,**

V.

**DONALD CHRISTIAN, CHRISTOPHER
BANNWOLF, CONCORDIA
UNIVERSITY TEXAS, INC., & JOHN
DOES 1-12**
Defendants

Case No. 1:23-cv-1042-DAE
[Consolidated with 1:24-cv-00176-DAE]

DECLARATION OF REV. DR. STEPHEN SOHNS

I, Rev. Dr. Stephen Sohns, declare and state as follows:

1. I am an ordained Pastor of The Lutheran Church – Missouri Synod (“LCMS”). I was ordained in 1984 and served for approximately 33 years as a pastor at Resurrection Lutheran Church in Spring, Texas. I am over 18 years of age, of sound mind, and capable of making this declaration. I make this declaration in support of Concordia University Texas’s (“CTX”) Motion for Protective Order. The facts stated herein are based upon my own personal knowledge and are true and correct.

2. CTX is a nonprofit institution of Lutheran higher education that is governed by a Board of Regents. I have served on the CTX Board of Regents since August 2018. I currently serve as the Board Chair. Prior to my serving as Board Chair, Christopher Bannwolf was the Chair for the Board of Regents. Each CTX board member must be a member of an LCMS congregation. The CTX board is composed of pastors, church workers, current or former educators, and others who desire to serve the mission of CTX. The President of the Texas District of the LCMS is a member of our board. According to CTX's bylaws, at least thirty (30%) percent of the board shall be

Exhibit 6 to CTX Response to Motion to Compel
Page 2 of 5

ordained or commissioned members of the LCMS, including at least two ordained and two commissioned. The Board of Regents' primary responsibility is to define and ensure the fulfillment of CTX's mission to provide education rooted in Lutheran traditions. To fulfill this responsibility, the Board of Regents (1) receives training in the University's Demonstrations of Lutheran Identity; (2) creates and/or approves University policy ensuring that they meet the University's standards in regard to Christian ethics and prudence; (3) determines the acceptable costs of operation and reviewing the University's debt acquisition; (4) selects, monitors, and assesses the University's President; and (5) selects new Regents to fill vacant seats.

3. In our board meetings, and in emails or text messages, board members discuss sensitive matters concerning CTX's leadership and governance, how CTX demonstrates faithfulness to its Lutheran identity, and how it will live out its calling as a Christian university through its faculty and staff, service to its students, and engagement with LCMS churches, schools, districts and organizations. Maintaining the privacy and confidentiality of these internal discussions is crucial to the openness, frankness, and effectiveness of the decision making of the board and leadership of CTX, as we each fulfill our duties to the institution.

4. CTX's attorneys counsel the Board and occasionally attend Board meetings as needed to advise the organization on a variety of topics ranging from the acquisition of debt, contracts, the sale or development of property, employment matters, board governance, and litigation. As necessary, the documents we prepare and the communications we exchange contain legal advice from CTX's attorneys and may be prepared in anticipation of litigation.

5. The Board of Regents also relies on the Leadership team, including the President/CEO and Vice-President/Provost to provide presentations, reports, and materials that contain information for accomplishing the desired outcomes of the Board, operating the University in a prudent fiscal

Exhibit 6 to CTX Response to Motion to Compel
Page 3 of 5

manner, developing and following strategic plans adopted by the board, managing University facilities, establishing proper management policies and procedures, regulating and planning for student life activities, relating to and managing faculty, and maintaining alignment with the LCMS. We regularly obtain that information through email exchanges, text messages, app-based messaging, and in our board meetings.

6. Forcing CTX's leadership and board members to disclose these internal, private, confidential discussions will undermine members of the Board of Regents ability to timely and freely communicate about important faith-based and governance matters concerning the institution, and will impact its decision making and effectiveness. If current or former members are subject to court orders to produce electronic communications, I will be less likely to rely on electronic mail, text messages, or app-based messaging to communicate with other members of the Board and with CTX's leadership team. Similarly, if current or former members are subject to court orders to produce notes of our Board meetings, I will be less likely to freely share my thoughts with my fellow board members or to take notes of our discussions for further contemplation. Fear that content of our debates, discussions, and decision-making processes will dramatically affect the speed and ease with which members of the Board of Regents are able to develop and decide on matters of institutional governance and polity.

7. Moreover, requiring disclosures of documents, communications, and notes of Board of Regents decisions that have been controversial, such as the decisions to amend CTX's governing documents, to seat new Regents, and not to seat Regents selected by LCMS, will identify the opinions and votes of individual board members opening them to reprisals for their efforts to govern CTX. For instance, if the officer or board member is an ordained or commissioned minister of the LCMS, it could expose them to hostile receptions from colleagues in the church who

Exhibit 6 to CTX Response to Motion to Compel
Page 4 of 5

disagree with their decisions, disciplinary action from their ecclesiastical supervisor or expulsion from the LCMS. Under the Synod Bylaws, the President of the LCMS could call up for review any action by an individual officer, executive or agency (such as CTX) that, in his view, may be in violation of the Constitution, Bylaws and resolutions of the LCMS. The LCMS could also take action to remove a pastor or commissioned minister from the roster of Synod, which could have an adverse effect on the pastor or commissioned minister continuing to serve his or her church or remain in his or her ministry position as before.

8. The so-called Minority Report, dated April 19, 2023, was issued by certain (then) current and former CTX Board Members and concerns the vote taken at a Special Called meeting on April 4, 2023 to reconsider the Board's November 8, 2022 governance vote. The report characterized the November 8, 2022 decision of the Board as "misguided" and "based on a false assumption." The report was not authorized by the CTX Board of Regents. The report indicates it was sent to, among others, the President of the Synod, the President of the Concordia University System, and the President of the Texas District of the LCMS. Board Policy at the time required that Board Members support all decisions once they have been fully discussed and resolved by the Board.

9. The Demonstration of its Lutheran Identity statement is a document that provides a framework by which CTX will live out and demonstrate faithfulness to its Lutheran identity and was prepared by the board of regents. It contains the religious polity of CTX as accepting the Scriptures of the Old and New Testament and all Symbolical Books of the Evangelical Lutheran Church, and how that religious polity is carried out through CTX's governance, education of its students, and external engagement.

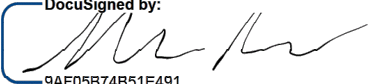
10. In January 2021, CTX acquired a loan from Frost Bank in order to construct and equip student housing and athletic facilities on its campus. The process of acquiring that loan took several

Exhibit 6 to CTX Response to Motion to Compel
Page 5 of 5

months and involved many documents prepared or reviewed by CTX's attorneys and obtaining legal advice from CTX's attorneys so that the leadership team and the Board of Regents may be advised of the legal requirements related to the loan.

11. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 12, 2024.

DocuSigned by:

By: 9AF05B74B51E491...

Rev. Dr. Stephen Sohns